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December 27, 2007

VIA MAIL (w/ original Stipulation) &
VIA ECF

Honorable Denny Chin
District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1020
New York, New York 10007

Re: *Ortiz v. Barlow, et al.*
Docket No.: 07 CV 10365
Our File No.: 113.0567475

Dear Judge Chin:


We represent one of the defendants, Toyota Motor Credit Corporation, s/h/a Toyota Motor Credit, Corp. ("TMCC"), in the above-referenced matter. TMCC was the lessor/title owner of the vehicle at issue in this action. With respect to TMCC, the Complaint sounds in negligence, and is premised upon vicarious liability, pursuant to New York Vehicle and Traffic Law § 388.

Please be advised that plaintiff's counsel agreed to dismiss the action as against TMCC, only, because the Federal Transportation Equity Act, which preempts New York automotive vicarious liability pursuant to § 388 of the Vehicle and Traffic Law, applies to this case. Enclosed is the fully executed Stipulation of Discontinuance against Toyota Motor Credit Corp. Only. We respectfully request that your honor So-Order the enclosed Stipulation.

Thank you for your time and consideration.

Respectfully submitted,

LONDON FISCHER LLP


Hae Jin Shim (HS3297)

Enclosure

Honorable Denny Chin
United States District Court
Southern District of New York
December 27, 2007
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BERIAM ORTIZ,

Plaintiff,

**STIPULATION OF DISCONTINUANCE
AGAINST TOYOTA MOTOR CREDIT
CORP. ONLY**

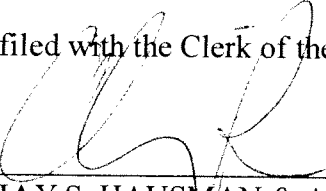
-against-

Docket No. 07 CV 10365


ERIN KATHLEEN BARLOW, TOYOTA
MOTOR CREDIT, CORP. and CAROL
SHERMAN,

Defendants.
-----X

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, that the action against the defendant TOYOTA MOTOR CREDIT CORP. **ONLY** is hereby discontinued, without prejudice and without costs to any party, and that this stipulation may be filed with the Clerk of the Court without further notice.

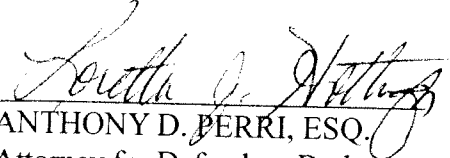



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SO ORDERED:

U.S.D.J.